

21. Composition according to Claim 20, wherein said composition further comprises at least one active ingredient selected from the group consisting of: retinoids and depigmenting agents.

REMARKS

Applicants respectfully submit this Amendment in response to the Office Action rendered on October 25, 2002. It is timely submitted in view of the Petition for Extension of Time filed concurrently herewith.

Applicants have amended the claims as follows: claims 1, 9, 11-13 and 16 have been cancelled without prejudice and are intended to be refilled in a continuing patent application. Claim 14 has been amended in order to incorporate the subject matter of claims 12 and 13, from which it formerly depended. Claims 15, 16 and 18-21 have been amended in order to eliminate the phrase "characterized in that" and replace it with the term "wherein" so as to conform with U.S. practice. Claims 16, 18 and 20 have been amended in order to eliminate all multiple dependencies.

The Office Action of October 25, 2002 objected to the drawings filed November 6, 2001. A new set of drawings will be provided as necessary.

The Office Action of October 25, 2002 further objected to claims 1 and 11-21 with respect to the language "characterized in

that". Applicants have replaced this language with the term "wherein" to conform with U.S. practice. Claims 9 and were objected to as being of improper dependent form; claims 16, 18 and 20 were also objected to as being of improper dependent form. Claims 9 and 16 have been canceled; claims 18 and 20 have been amended in order to eliminate multiple dependencies. Applicants therefore respectfully submit that the foregoing objections are moot in light of the amendments.

Claims 1, 9 and 13 were rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully submit that this rejection is moot in light of the cancellation of these claims. Claims 1 and 9 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Again, these claims have been canceled without prejudice. Applicant therefore respectfully submits that this rejection is moot.

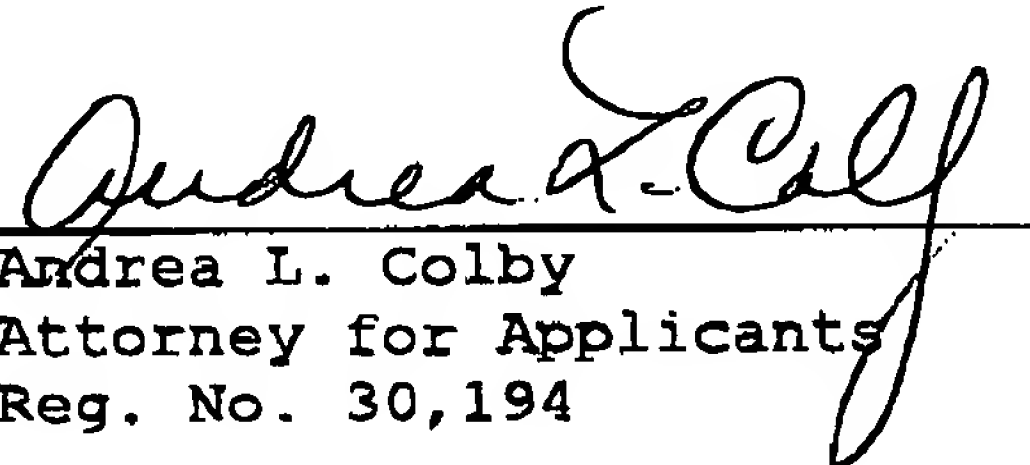
Claims 1, 12, 13, 16 and 18 were rejected under the judicially created doctrine of obviousness-type double patent as being unpatentable over claims 1 and 9 of U.S. Patent No. 6,352,698 B1. Applicants will submit a terminal disclaimer as necessary in response to this rejection.

Claims 1, 9, 11-13 and 16 were rejected under 35 U.S.C. 102(b) as being anticipated by Murad (U.S. Patent No. 5,804,168). As these claims have been canceled without prejudice, applicants respectfully submit that this rejection is moot.

The Office Action indicated that the subject matter of claims 14, 15 and 18-21 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have done so and respectfully request reconsideration of these claims in light of the foregoing amendments.

Applicants respectfully request the entry of the foregoing amendments and reconsideration of the claims as amended. An early allowance is earnestly solicited.

Respectfully submitted,


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APPENDIX

14. (Amended) Composition [according to Claim 13, characterized in that] having hypoallergenic or immunomodulatory activity and/or which is intended for the treatment of sensitive skin, made according to the process comprising the steps of:

a) selecting components which exhibit at least one anti-inflammatory, anti-radical and/or anti-allergic activity, at least two components exhibiting at least two different activities, combining said components and determining if at least one of the activities is potentiated by the combination of these two components;

b) selecting the combinations exhibiting at least two of the activities chosen from the anti-inflammatory, anti-radical and anti-allergic activities, and in which at least one of the activities is potentiated;

c) mixing at least one of the selected combinations with dermatologically or cosmetologically acceptable excipients, in order to obtain the composition wherein said composition comprises at least one component selected from the group consisting of Ginkgo biloba and its extracts, iramine, D-panthenol, modulene, α -tocopherol and its derivatives, β -glucan and its derivatives, eicosapentanoic acid, 18 β -glycyrrhetic

acid, glycyrrhentinic acid monoglucuronide, stearyl glycyrrhetinate, Scutellaria extract, lactoferrin, green tea extract, vitamin C, glutathione, epidermal thymus factor, azole derivatives and lipacid, and with the condition that the combination vitamin E and Scutellaria extract is excluded, wherein said composition comprises [contains] a Ginkgo biloba extract and of β -glucan or of one of its derivatives.

15. (Amended) Composition according to [either of Claims 13 and] Claim 14, [characterized in that the] wherein said β -glucan is substituted by carboxymethyl groups.

18. (Amended) Composition according to [one of] Claim[s 13 to] 17, [characterized in that the] wherein said β -glucan concentration is between 0.001% and 10% w/w.

19. (Amended) Composition according to Claim [13] 14, [characterized in that it contains] wherein said composition comprises a combination [chosen] selected from the group consisting of: drieline + lactoferrin, panthenol + green tea extract or D-panthenol + β -sitosterol.

20. (Amended) Composition according to [one of Claims 13 to] Claim 19, [characterized in that it additionally contains] wherein said composition further comprises at least one other cutaneous

topically active ingredient [principle which is active by the cutaneous topical route].

21. (Amended) Composition according to Claim 20, [characterized in that it contains] wherein said composition further comprises at least one active [principle] ingredient selected from the group consisting of: [chosen from the group of] retinoids and depigmenting agents.